

Fill in this information to identify your case:

United States Bankruptcy Court for the:

DISTRICT OF SOUTH CAROLINA

Case number (if known)

Chapter you are filing under:

- Chapter 7
- Chapter 11
- Chapter 12
- Chapter 13

Check if this is an amended filing

Official Form 101

Voluntary Petition for Individuals Filing for Bankruptcy

02/20

The bankruptcy forms use *you* and *Debtor 1* to refer to a debtor filing alone. A married couple may file a bankruptcy case together—called a *joint case*—and in joint cases, these forms use *you* to ask for information from both debtors. For example, if a form asks, “Do you own a car,” the answer would be yes if either debtor owns a car. When information is needed about the spouses separately, the form uses *Debtor 1* and *Debtor 2* to distinguish between them. In joint cases, one of the spouses must report information as *Debtor 1* and the other as *Debtor 2*. The same person must be *Debtor 1* in all of the forms.

Be as complete and accurate as possible. If two married people are filing together, both are equally responsible for supplying correct information. If more space is needed, attach a separate sheet to this form. On the top of any additional pages, write your name and case number (if known). Answer every question.

Part 1: Identify Yourself

About Debtor 1:

1. Your full name

Write the name that is on your government-issued picture identification (for example, your driver's license or passport).

Bring your picture identification to your meeting with the trustee.

Gerald

First name

Kenneth

Middle name

Mixon, Jr.

Last name and Suffix (Sr., Jr., II, III)

About Debtor 2 (Spouse Only in a Joint Case):

First name

Middle name

Last name and Suffix (Sr., Jr., II, III)

2. All other names you have used in the last 8 years

Include your married or maiden names.

Gerald K Mixon, Jr.

Gerald Mixon, Jr.

Gerald Kenneth Mixon

Gerald K Mixon

Gerald Mixon

Ken Mixon

3. Only the last 4 digits of your Social Security number or federal Individual Taxpayer Identification number (ITIN)

xxx-xx-2029

Debtor 1 Gerald Kenneth Mixon, Jr.

Case number (if known)

About Debtor 1:

4. Any business names and Employer Identification Numbers (EIN) you have used in the last 8 years

I have not used any business name or EINs.

Include trade names and *doing business as* names

Business name(s)

EIN

About Debtor 2 (Spouse Only in a Joint Case):

I have not used any business name or EINs.

Business name(s)

EIN

5. Where you live

**176 Ole Still Lane
Elgin, SC 29045**

Number, Street, City, State & ZIP Code

Kershaw

County

If your mailing address is different from the one above, fill it in here. Note that the court will send any notices to you at this mailing address.

Number, P.O. Box, Street, City, State & ZIP Code

If Debtor 2 lives at a different address:

Number, Street, City, State & ZIP Code

County

If Debtor 2's mailing address is different from yours, fill it in here. Note that the court will send any notices to this mailing address.

Number, P.O. Box, Street, City, State & ZIP Code

6. Why you are choosing this district to file for bankruptcy

Check one:

Over the last 180 days before filing this petition, I have lived in this district longer than in any other district.

I have another reason. Explain. (See 28 U.S.C. § 1408.)

Check one:

Over the last 180 days before filing this petition, I have lived in this district longer than in any other district.

I have another reason. Explain. (See 28 U.S.C. § 1408.)

Part 2: Tell the Court About Your Bankruptcy Case

7. The chapter of the Bankruptcy Code you are choosing to file under *Check one. (For a brief description of each, see Notice Required by 11 U.S.C. § 342(b) for Individuals Filing for Bankruptcy (Form 2010)). Also, go to the top of page 1 and check the appropriate box.*

Chapter 7
 Chapter 11
 Chapter 12
 Chapter 13

8. How you will pay the fee **I will pay the entire fee when I file my petition.** Please check with the clerk's office in your local court for more details about how you may pay. Typically, if you are paying the fee yourself, you may pay with cash, cashier's check, or money order. If your attorney is submitting your payment on your behalf, your attorney may pay with a credit card or check with a pre-printed address.
 I need to pay the fee in installments. If you choose this option, sign and attach the *Application for Individuals to Pay The Filing Fee in Installments* (Official Form 103A).
 I request that my fee be waived (You may request this option only if you are filing for Chapter 7. By law, a judge may, but is not required to, waive your fee, and may do so only if your income is less than 150% of the official poverty line that applies to your family size and you are unable to pay the fee in installments). If you choose this option, you must fill out the *Application to Have the Chapter 7 Filing Fee Waived* (Official Form 103B) and file it with your petition.

9. Have you filed for bankruptcy within the last 8 years? No. Yes.

District _____ When _____ Case number _____
 District _____ When _____ Case number _____
 District _____ When _____ Case number _____

10. Are any bankruptcy cases pending or being filed by a spouse who is not filing this case with you, or by a business partner, or by an affiliate? No Yes.

Debtor _____ Relationship to you _____
 District _____ When _____ Case number, if known _____
 Debtor _____ Relationship to you _____
 District _____ When _____ Case number, if known _____

11. Do you rent your residence? No. Go to line 12.
 Yes. Has your landlord obtained an eviction judgment against you?
 No. Go to line 12.
 Yes. Fill out *Initial Statement About an Eviction Judgment Against You* (Form 101A) and file it as part of this bankruptcy petition.

Part 3: Report About Any Businesses You Own as a Sole Proprietor

12. Are you a sole proprietor of any full- or part-time business?

No. Go to Part 4.

Yes. Name and location of business

A sole proprietorship is a business you operate as an individual, and is not a separate legal entity such as a corporation, partnership, or LLC.

If you have more than one sole proprietorship, use a separate sheet and attach it to this petition.

Name of business, if any

Number, Street, City, State & ZIP Code

Check the appropriate box to describe your business:

- Health Care Business (as defined in 11 U.S.C. § 101(27A))
- Single Asset Real Estate (as defined in 11 U.S.C. § 101(51B))
- Stockbroker (as defined in 11 U.S.C. § 101(53A))
- Commodity Broker (as defined in 11 U.S.C. § 101(6))
- None of the above

13. Are you filing under Chapter 11 of the Bankruptcy Code and are you a *small business debtor*?

For a definition of *small business debtor*, see 11 U.S.C. § 101(51D).

If you are filing under Chapter 11, the court must know whether you are a small business debtor so that it can set appropriate deadlines. If you indicate that you are a small business debtor, you must attach your most recent balance sheet, statement of operations, cash-flow statement, and federal income tax return or if any of these documents do not exist, follow the procedure in 11 U.S.C. § 1116(1)(B).

No. I am not filing under Chapter 11.

No. I am filing under Chapter 11, but I am NOT a small business debtor according to the definition in the Bankruptcy Code.

Yes. I am filing under Chapter 11, I am a small business debtor according to the definition in the Bankruptcy Code, and I do not choose to proceed under Subchapter V of Chapter 11.

Yes. I am filing under Chapter 11, I am a debtor according to the definition in the Bankruptcy Code, and I choose to proceed under Subchapter V of Chapter 11.

Part 4: Report if You Own or Have Any Hazardous Property or Any Property That Needs Immediate Attention

14. Do you own or have any property that poses or is alleged to pose a threat of imminent and identifiable hazard to public health or safety? Or do you own any property that needs immediate attention?

For example, do you own perishable goods, or livestock that must be fed, or a building that needs urgent repairs?

No.

Yes.

What is the hazard?

If immediate attention is needed, why is it needed?

Where is the property?

Number, Street, City, State & Zip Code

Debtor 1 **Gerald Kenneth Mixon, Jr.**

Case number (if known)

Part 5: Explain Your Efforts to Receive a Briefing About Credit Counseling**15. Tell the court whether you have received a briefing about credit counseling.**

The law requires that you receive a briefing about credit counseling before you file for bankruptcy. You must truthfully check one of the following choices. If you cannot do so, you are not eligible to file.

If you file anyway, the court can dismiss your case, you will lose whatever filing fee you paid, and your creditors can begin collection activities again.

About Debtor 1:*You must check one:*

I received a briefing from an approved credit counseling agency within the 180 days before I filed this bankruptcy petition, and I received a certificate of completion.

Attach a copy of the certificate and the payment plan, if any, that you developed with the agency.

I received a briefing from an approved credit counseling agency within the 180 days before I filed this bankruptcy petition, but I do not have a certificate of completion.

Within 14 days after you file this bankruptcy petition, you MUST file a copy of the certificate and payment plan, if any.

I certify that I asked for credit counseling services from an approved agency, but was unable to obtain those services during the 7 days after I made my request, and exigent circumstances merit a 30-day temporary waiver of the requirement.

To ask for a 30-day temporary waiver of the requirement, attach a separate sheet explaining what efforts you made to obtain the briefing, why you were unable to obtain it before you filed for bankruptcy, and what exigent circumstances required you to file this case.

Your case may be dismissed if the court is dissatisfied with your reasons for not receiving a briefing before you filed for bankruptcy. If the court is satisfied with your reasons, you must still receive a briefing within 30 days after you file. You must file a certificate from the approved agency, along with a copy of the payment plan you developed, if any. If you do not do so, your case may be dismissed.

Any extension of the 30-day deadline is granted only for cause and is limited to a maximum of 15 days.

I am not required to receive a briefing about credit counseling because of:

- Incapacity.**
I have a mental illness or a mental deficiency that makes me incapable of realizing or making rational decisions about finances.
- Disability.**
My physical disability causes me to be unable to participate in a briefing in person, by phone, or through the internet, even after I reasonably tried to do so.
- Active duty.**
I am currently on active military duty in a military combat zone.

If you believe you are not required to receive a briefing about credit counseling, you must file a motion for waiver credit counseling with the court.

About Debtor 2 (Spouse Only in a Joint Case):*You must check one:*

I received a briefing from an approved credit counseling agency within the 180 days before I filed this bankruptcy petition, and I received a certificate of completion.

Attach a copy of the certificate and the payment plan, if any, that you developed with the agency.

I received a briefing from an approved credit counseling agency within the 180 days before I filed this bankruptcy petition, but I do not have a certificate of completion.

Within 14 days after you file this bankruptcy petition, you MUST file a copy of the certificate and payment plan, if any.

I certify that I asked for credit counseling services from an approved agency, but was unable to obtain those services during the 7 days after I made my request, and exigent circumstances merit a 30-day temporary waiver of the requirement.

To ask for a 30-day temporary waiver of the requirement, attach a separate sheet explaining what efforts you made to obtain the briefing, why you were unable to obtain it before you filed for bankruptcy, and what exigent circumstances required you to file this case.

Your case may be dismissed if the court is dissatisfied with your reasons for not receiving a briefing before you filed for bankruptcy. If the court is satisfied with your reasons, you must still receive a briefing within 30 days after you file. You must file a certificate from the approved agency, along with a copy of the payment plan you developed, if any. If you do not do so, your case may be dismissed.

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I am not required to receive a briefing about credit counseling because of:

- Incapacity.**
I have a mental illness or a mental deficiency that makes me incapable of realizing or making rational decisions about finances.
- Disability.**
My physical disability causes me to be unable to participate in a briefing in person, by phone, or through the internet, even after I reasonably tried to do so.
- Active duty.**
I am currently on active military duty in a military combat zone.

If you believe you are not required to receive a briefing about credit counseling, you must file a motion for waiver credit counseling with the court.

Debtor 1 **Gerald Kenneth Mixon, Jr.**

Case number (if known)

Part 6: Answer These Questions for Reporting Purposes

16. What kind of debts do you have?	16a. Are your debts primarily consumer debts? <i>Consumer debts</i> are defined in 11 U.S.C. § 101(8) as “incurred by an individual primarily for a personal, family, or household purpose.”		
	<input type="checkbox"/> No. Go to line 16b.		
	<input checked="" type="checkbox"/> Yes. Go to line 17.		
16b.	Are your debts primarily business debts? <i>Business debts</i> are debts that you incurred to obtain money for a business or investment or through the operation of the business or investment.		
	<input type="checkbox"/> No. Go to line 16c.		
	<input type="checkbox"/> Yes. Go to line 17.		
16c.	State the type of debts you owe that are not consumer debts or business debts		
<hr/>			
17. Are you filing under Chapter 7?	<input checked="" type="checkbox"/> No. I am not filing under Chapter 7. Go to line 18.		
Do you estimate that after any exempt property is excluded and administrative expenses are paid that funds will be available for distribution to unsecured creditors?	<input type="checkbox"/> Yes. I am filing under Chapter 7. Do you estimate that after any exempt property is excluded and administrative expenses are paid that funds will be available to distribute to unsecured creditors?		
	<input type="checkbox"/> No		
	<input type="checkbox"/> Yes		
<hr/>			
18. How many Creditors do you estimate that you owe?	<input checked="" type="checkbox"/> 1-49 <input type="checkbox"/> 50-99 <input type="checkbox"/> 100-199 <input type="checkbox"/> 200-999	<input type="checkbox"/> 1,000-5,000 <input type="checkbox"/> 5001-10,000 <input type="checkbox"/> 10,001-25,000	<input type="checkbox"/> 25,001-50,000 <input type="checkbox"/> 50,001-100,000 <input type="checkbox"/> More than 100,000
<hr/>			
19. How much do you estimate your assets to be worth?	<input type="checkbox"/> \$0 - \$50,000 <input type="checkbox"/> \$50,001 - \$100,000 <input checked="" type="checkbox"/> \$100,001 - \$500,000 <input type="checkbox"/> \$500,001 - \$1 million	<input type="checkbox"/> \$1,000,001 - \$10 million <input type="checkbox"/> \$10,000,001 - \$50 million <input type="checkbox"/> \$50,000,001 - \$100 million <input type="checkbox"/> \$100,000,001 - \$500 million	<input type="checkbox"/> \$500,000,001 - \$1 billion <input type="checkbox"/> \$1,000,000,001 - \$10 billion <input type="checkbox"/> \$10,000,000,001 - \$50 billion <input type="checkbox"/> More than \$50 billion
<hr/>			
20. How much do you estimate your liabilities to be?	<input type="checkbox"/> \$0 - \$50,000 <input type="checkbox"/> \$50,001 - \$100,000 <input checked="" type="checkbox"/> \$100,001 - \$500,000 <input type="checkbox"/> \$500,001 - \$1 million	<input type="checkbox"/> \$1,000,001 - \$10 million <input type="checkbox"/> \$10,000,001 - \$50 million <input type="checkbox"/> \$50,000,001 - \$100 million <input type="checkbox"/> \$100,000,001 - \$500 million	<input type="checkbox"/> \$500,000,001 - \$1 billion <input type="checkbox"/> \$1,000,000,001 - \$10 billion <input type="checkbox"/> \$10,000,000,001 - \$50 billion <input type="checkbox"/> More than \$50 billion

Part 7: Sign Below

For you I have examined this petition, and I declare under penalty of perjury that the information provided is true and correct.

If I have chosen to file under Chapter 7, I am aware that I may proceed, if eligible, under Chapter 7, 11, 12, or 13 of title 11, United States Code. I understand the relief available under each chapter, and I choose to proceed under Chapter 7.

If no attorney represents me and I did not pay or agree to pay someone who is not an attorney to help me fill out this document, I have obtained and read the notice required by 11 U.S.C. § 342(b).

I request relief in accordance with the chapter of title 11, United States Code, specified in this petition.

I understand making a false statement, concealing property, or obtaining money or property by fraud in connection with a bankruptcy case can result in fines up to \$250,000, or imprisonment for up to 20 years, or both. 18 U.S.C. §§ 152, 1341, 1519, and 3571.

/s/ Gerald Kenneth Mixon, Jr.**Gerald Kenneth Mixon, Jr.**

Signature of Debtor 1

Signature of Debtor 2

Executed on April 13, 2022

MM / DD / YYYY

Executed on

MM / DD / YYYY

Debtor 1 Gerald Kenneth Mixon, Jr.

Case number (if known) _____

For your attorney, if you are represented by one

I, the attorney for the debtor(s) named in this petition, declare that I have informed the debtor(s) about eligibility to proceed under Chapter 7, 11, 12, or 13 of title 11, United States Code, and have explained the relief available under each chapter for which the person is eligible. I also certify that I have delivered to the debtor(s) the notice required by 11 U.S.C. § 342(b) and, in a case in which § 707(b)(4)(D) applies, certify that I have no knowledge after an inquiry that the information in the schedules filed with the petition is incorrect.

If you are not represented by an attorney, you do not need to file this page.

/s/ JASON T. MOSS

Signature of Attorney for Debtor

Date

April 13, 2022

MM / DD / YYYY

JASON T. MOSS 7240

Printed name

MOSS & ASSOCIATES, ATTORNEYS P.A.

Firm name

**816 ELMWOOD AVENUE
COLUMBIA, SC 29201**

Number, Street, City, State & ZIP Code

Contact phone (803)-933-0202

Email address

lindsey@mossattorneys.com

7240 SC

Bar number & State

Notice Required by 11 U.S.C. § 342(b) for Individuals Filing for Bankruptcy (Form 2010)

This notice is for you if:

You are an individual filing for bankruptcy, and

Your debts are primarily consumer debts. *Consumer debts* are defined in 11 U.S.C. § 101(8) as "incurred by an individual primarily for a personal, family, or household purpose."

The types of bankruptcy that are available to individuals

Individuals who meet the qualifications may file under one of four different chapters of Bankruptcy Code:

Chapter 7 - Liquidation

Chapter 11 - Reorganization

Chapter 12 - Voluntary repayment plan for family farmers or fishermen

Chapter 13 - Voluntary repayment plan for individuals with regular income

You should have an attorney review your decision to file for bankruptcy and the choice of chapter.

Chapter 7: Liquidation

\$245 filing fee

\$78 administrative fee

+ \$15 trustee surcharge

\$338 total fee

Chapter 7 is for individuals who have financial difficulty preventing them from paying their debts and who are willing to allow their non-exempt property to be used to pay their creditors. The primary purpose of filing under chapter 7 is to have your debts discharged. The bankruptcy discharge relieves you after bankruptcy from having to pay many of your pre-bankruptcy debts. Exceptions exist for particular debts, and liens on property may still be enforced after discharge. For example, a creditor may have the right to foreclose a home mortgage or repossess an automobile.

However, if the court finds that you have committed certain kinds of improper conduct described in the Bankruptcy Code, the court may deny your discharge.

You should know that even if you file chapter 7 and you receive a discharge, some debts are not discharged under the law. Therefore, you may still be responsible to pay:

most taxes;

most student loans;

domestic support and property settlement obligations;

most fines, penalties, forfeitures, and criminal restitution obligations; and

certain debts that are not listed in your bankruptcy papers.

You may also be required to pay debts arising from:

fraud or theft;

fraud or defalcation while acting in breach of fiduciary capacity;

intentional injuries that you inflicted; and

death or personal injury caused by operating a motor vehicle, vessel, or aircraft while intoxicated from alcohol or drugs.

If your debts are primarily consumer debts, the court can dismiss your chapter 7 case if it finds that you have enough income to repay creditors a certain amount. You must file *Chapter 7 Statement of Your Current Monthly Income* (Official Form 122A-1) if you are an individual filing for bankruptcy under chapter 7. This form will determine your current monthly income and compare whether your income is more than the median income that applies in your state.

If your income is not above the median for your state, you will not have to complete the other chapter 7 form, the *Chapter 7 Means Test Calculation* (Official Form 122A-2).

If your income is above the median for your state, you must file a second form —the *Chapter 7 Means Test Calculation* (Official Form 122A-2). The calculations on the form— sometimes called the *Means Test*—deduct from your income living expenses and payments on certain debts to determine any amount available to pay unsecured creditors. If

your income is more than the median income for your state of residence and family size, depending on the results of the *Means Test*, the U.S. trustee, bankruptcy administrator, or creditors can file a motion to dismiss your case under § 707(b) of the Bankruptcy Code. If a motion is filed, the court will decide if your case should be dismissed. To avoid dismissal, you may choose to proceed under another chapter of the Bankruptcy Code.

If you are an individual filing for chapter 7 bankruptcy, the trustee may sell your property to pay your debts, subject to your right to exempt the property or a portion of the proceeds from the sale of the property. The property, and the proceeds from property that your bankruptcy trustee sells or liquidates that you are entitled to, is called *exempt property*. Exemptions may enable you to keep your home, a car, clothing, and household items or to receive some of the proceeds if the property is sold.

Exemptions are not automatic. To exempt property, you must list it on *Schedule C: The Property You Claim as Exempt* (Official Form 106C). If you do not list the property, the trustee may sell it and pay all of the proceeds to your creditors.

Chapter 11: Reorganization

\$1,167	filings fee
+ \$571	administrative fee
\$1,738 total fee	

Chapter 11 is often used for reorganizing a business, but is also available to individuals. The provisions of chapter 11 are too complicated to summarize briefly.

Read These Important Warnings

Because bankruptcy can have serious long-term financial and legal consequences, including loss of your property, you should hire an attorney and carefully consider all of your options before you file. Only an attorney can give you legal advice about what can happen as a result of filing for bankruptcy and what your options are. If you do file for bankruptcy, an attorney can help you fill out the forms properly and protect you, your family, your home, and your possessions.

Although the law allows you to represent yourself in bankruptcy court, you should understand that many people find it difficult to represent themselves successfully. The rules are technical, and a mistake or inaction may harm you. If you file without an attorney, you are still responsible for knowing and following all of the legal requirements.

You should not file for bankruptcy if you are not eligible to file or if you do not intend to file the necessary documents.

Bankruptcy fraud is a serious crime; you could be fined and imprisoned if you commit fraud in your bankruptcy case. Making a false statement, concealing property, or obtaining money or property by fraud in connection with a bankruptcy case can result in fines up to \$250,000, or imprisonment for up to 20 years, or both. 18 U.S.C. §§ 152, 1341, 1519, and 3571.

Chapter 12: Repayment plan for family farmers or fishermen

\$200	filing fee
+ \$78	<u>administrative fee</u>
	\$278 total fee

Similar to chapter 13, chapter 12 permits family farmers and fishermen to repay their debts over a period of time using future earnings and to discharge some debts that are not paid.

Chapter 13: Repayment plan for individuals with regular income

\$235	filing fee
+ \$78	<u>administrative fee</u>
	\$313 total fee

Chapter 13 is for individuals who have regular income and would like to pay all or part of their debts in installments over a period of time and to discharge some debts that are not paid. You are eligible for chapter 13 only if your debts are not more than certain dollar amounts set forth in 11 U.S.C. § 109.

Under chapter 13, you must file with the court a plan to repay your creditors all or part of the money that you owe them, usually using your future earnings. If the court approves your plan, the court will allow you to repay your debts, as adjusted by the plan, within 3 years or 5 years, depending on your income and other factors.

After you make all the payments under your plan, many of your debts are discharged. The debts that are not discharged and that you may still be responsible to pay include:

- domestic support obligations,
- most student loans,
- certain taxes,
- debts for fraud or theft,
- debts for fraud or defalcation while acting in a fiduciary capacity,
- most criminal fines and restitution obligations,
- certain debts that are not listed in your bankruptcy papers,
- certain debts for acts that caused death or personal injury, and
- certain long-term secured debts.

Warning: File Your Forms on Time

Section 521(a)(1) of the Bankruptcy Code requires that you promptly file detailed information about your creditors, assets, liabilities, income, expenses and general financial condition. The court may dismiss your bankruptcy case if you do not file this information within the deadlines set by the Bankruptcy Code, the Bankruptcy Rules, and the local rules of the court.

For more information about the documents and their deadlines, go to:

<http://www.uscourts.gov/forms/bankruptcy-forms>

Bankruptcy crimes have serious consequences

If you knowingly and fraudulently conceal assets or make a false oath or statement under penalty of perjury—either orally or in writing—in connection with a bankruptcy case, you may be fined, imprisoned, or both.

All information you supply in connection with a bankruptcy case is subject to examination by the Attorney General acting through the Office of the U.S. Trustee, the Office of the U.S. Attorney, and other offices and employees of the U.S. Department of Justice.

Make sure the court has your mailing address

The bankruptcy court sends notices to the mailing address you list on *Voluntary Petition for Individuals Filing for Bankruptcy* (Official Form 101). To ensure that you receive information about your case, Bankruptcy Rule 4002 requires that you notify the court of any changes in your address.

A married couple may file a bankruptcy case together—called a *joint case*. If you file a joint case and each spouse lists the same mailing address on the bankruptcy petition, the bankruptcy court generally will mail you and your spouse one copy of each notice, unless you file a statement with the court asking that each spouse receive separate copies.

Understand which services you could receive from credit counseling agencies

The law generally requires that you receive a credit counseling briefing from an approved credit counseling agency. 11 U.S.C. § 109(h). If you are filing a joint case, both spouses must receive the briefing. With limited exceptions, you must receive it within the 180 days **before** you file your bankruptcy petition. This briefing is usually conducted by telephone or on the Internet.

In addition, after filing a bankruptcy case, you generally must complete a financial management instructional course before you can receive a discharge. If you are filing a joint case, both spouses must complete the course.

You can obtain the list of agencies approved to provide both the briefing and the instructional course from: <http://www.uscourts.gov/services-forms/bankruptcy/credit-counseling-and-debtor-education-courses>.

In Alabama and North Carolina, go to:

<http://www.uscourts.gov/services-forms/bankruptcy/credit-counseling-and-debtor-education-courses>.

If you do not have access to a computer, the clerk of the bankruptcy court may be able to help you obtain the list.

**United States Bankruptcy Court
District of South Carolina**

In re Gerald Kenneth Mixon, Jr.

Debtor(s)

Case No.

Chapter

13

DISCLOSURE OF COMPENSATION OF ATTORNEY FOR DEBTOR(S)

1. Pursuant to 11 U.S.C. § 329(a) and Fed. Bankr. P. 2016(b), I certify that I am the attorney for the above named debtor(s) and that compensation paid to me within one year before the filing of the petition in bankruptcy, or agreed to be paid to me, for services rendered or to be rendered on behalf of the debtor(s) in contemplation of or in connection with the bankruptcy case is as follows:

For legal services, I have agreed to accept	\$ <u>4,000.00</u>
Prior to the filing of this statement I have received	\$ <u>686.00</u>
Balance Due	\$ <u>3,314.00</u>

2. \$ 313.00 of the filing fee has been paid.

3. The source of the compensation paid to me was:

Debtor Other (specify):

4. The source of compensation to be paid to me is:

Debtor Other (specify):

5. I have not agreed to share the above-disclosed compensation with any other person unless they are members and associates of my law firm.

I have agreed to share the above-disclosed compensation with a person or persons who are not members or associates of my law firm. A copy of the agreement, together with a list of the names of the people sharing in the compensation is attached.

6. In return for the above-disclosed fee, I have agreed to render legal service for all aspects of the bankruptcy case, including:

- Analysis of the debtor's financial situation, and rendering advice to the debtor in determining whether to file a petition in bankruptcy;
- Preparation and filing of any petition, schedules, statement of affairs and plan which may be required;
- Representation of the debtor at the meeting of creditors and confirmation hearing, and any adjourned hearings thereof;
- [Other provisions as needed]

Negotiations with secured creditors to reduce to market value; exemption planning; preparation and filing of reaffirmation agreements and applications as needed; preparation and filing of motions pursuant to 11 USC 522(f)(2)(A) for avoidance of liens on household goods.

7. By agreement with the debtor(s), the above-disclosed fee does not include the following service:

Representation of the debtors in any dischargeability actions, judicial lien avoidances, relief from stay actions, motions to incur debt, motions to sell property, moratoriums, motions to reconsider, plan modifications after confirmation, motions to reopen, motions to redeem, or any other adversary proceeding.

CERTIFICATION

I certify that the foregoing is a complete statement of any agreement or arrangement for payment to me for representation of the debtor(s) in this bankruptcy proceeding.

April 13, 2022

Date

/s/ JASON T. MOSS

JASON T. MOSS 7240

Signature of Attorney

MOSS & ASSOCIATES, ATTORNEYS P.A.

816 ELMWOOD AVENUE

COLUMBIA, SC 29201

(803)-933-0202 Fax: (803)-933-9941

lindsey@mossattorneys.com

Name of law firm

Moss & Associates

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www.mossattorneys.com

“SOUTH CAROLINA’S LARGEST BANKRUPTCY FILER”

BANKRUPTCY RETAINER AGREEMENT

Moss & Associates, Attorneys P.A. and the undersigned client (referred to herein as “Client”), do on this date enter into an agreement (contract) for legal services pursuant to the terms and conditions set forth herein. We are a debt relief agency and assist people in filing for bankruptcy under the Federal Bankruptcy Code.

I. Subject

Subject to the terms and conditions of this agreement, Moss & Associates, Attorneys P.A. shall furnish legal services related to the following type of bankruptcy case:

Chapter 13 (Reorganization) Mortgage Modification Mitigation
 Chapter 7 (Liquidation) Chapter 11 (Business)

II. Fees and Costs

In exchange for legal services specified herein, Client agrees to pay Moss & Associates, Attorneys, P.A. fees as follows:

PAYMENT SCHEDULE

BANKRUPTCY

682 Attorney's Fees Down

313 Court Filing Fee

355 Total Amount Due Prior to Filing Case

150) Down Payment (Retainer)

889 Balance Due No Later Than April 29, 2022

LOAN MODIFICATION

\$600 by _____

\$600 by _____

\$500 by _____

\$1,700 in additional fees

In Chapter 13 cases, \$ 3314 shall be included as a claim in Client's Chapter 13 Plan. No such claim exists in Chapter 7 cases.

The parties agree that Client will follow the payment schedule specified above. The parties acknowledge that the total cost specified does not guarantee success in mortgage modification, since the bank makes the ultimate determination. Additional fees may arise for post-petition modification requests. Fees for any potential federal adversary proceeding or related demand shall be forty percent of the recovery plus costs, unless otherwise agreed upon by parties.

Moss & Associates, Attorneys P.A. agrees that, in exchange for payment of the above specified fees, Moss & Associates, Attorneys P.A. shall perform all services associated with the bankruptcy matter except for those specifically listed on Schedule A, attached hereto. If additional fees are incurred as specified in Schedule A, Client shall be responsible for such fees. However, Client acknowledges that Moss & Associates, Attorneys P.A. may be able to file a supplemental claim with the bankruptcy court, which would allow payment out of assets of the estate or Chapter 13 plan payments. By signing this agreement, Client agrees to allow Moss & Associates, Attorneys P.A. to file such claims with the court without further written agreement, if such work is completed by Moss & Associates, Attorneys P.A. The parties further agree that all fees paid under this agreement are non-refundable and earned immediately by Moss & Associates, Attorneys, P.A., except as set out in the Termination clause below.

Moss & Associates, Attorneys, P.A. agrees that all basic costs associated with the case, including copies, telephone, electronic filing, etc. are included in the payment schedule specified above. Client, however, agrees that other costs, which may be incurred as a result of the exceptions to fees listed on Schedule A, herein, are not included in the initial fee.

III. Termination

Either party may terminate this Agreement under the following terms and conditions: first, Moss & Associates, Attorneys P.A. may withdraw from this matter and take any appropriate actions upon failure of Client to pay in a timely manner; second, Moss & Associates, Attorneys P.A. may withdraw from this matter if they determine that they have developed irreconcilable differences with the Client; and third, Client may terminate this agreement if client becomes dissatisfied with the services of Moss & Associates, Attorneys, P.A. Fees paid by Client are non-refundable, and though if Moss & Associates, Attorneys, P.A. voluntarily withdraws or Client terminates the agreement for good cause, Moss & Associates, Attorneys, P.A. may, at it's discretion, allow a refund of all or a portion of the fees paid by Client.

IV. Signatures

Gerald K. Minnix
Client

Client

Moss & Associates, Attorneys P.A.

By: Don J. Nader
Date: 3/22/22

SCHEDULE A

Excluded Services

As referred to herein above, the following is a list of services that are not included in the initial fee agreement. This list is not exclusive, as there may be other types of services that arise, which are not contemplated by the original retainer agreement. Generally, Moss & Associates, Attorneys, P.A. shall not be required to perform services for such work, unless the fees are paid by the Client. However, if the bankruptcy court will allow a claim to be filed by Moss & Associates, Attorneys, P.A. for the performance of such services, then Moss & Associates, Attorneys, P.A. may, at its discretion, perform the work and file such a claim with the bankruptcy court without any additional written agreement. Specific fees will vary, as amounts approved by the different trustees may be inconsistent and/or may change over the life of your bankruptcy.

All Adversary Proceedings, whether filed by the debtor or other party

Actions to Determine Discharge ability

Defending §362 Motion by creditor

Defending Motion to Dismiss by creditor

Resolving or Defending Post-Confirmation Petition to Dismiss by Trustee

Loan Modifications

Motion to Reinstate Automatic Stay or Resumption of Payment

Motion to Reconsider or Reopen case

Motion for Substitution of Collateral

Turnover of Property

Post-Confirmation Motion to Modify Plan

Motion to Incur Debt

Motion to Sell Property

Rescheduling Hearings for Client's failure to attend without justifiable cause

Mortgage Modification Mitigation

Notice to Consumer Debtor of Available Bankruptcy Options:

Chapter 7: Liquidation

Chapter 7 is designed for debtors in financial difficulty who do not have the ability to pay their existing creditors. Under Chapter 7, a trustee takes possession of all of your property. You may claim a certain amount of your property as exempt under governing federal and state law. The trustee then liquidates the property and uses the proceeds to pay your creditors according to priorities set by the Code.

The purpose of filing a Chapter 7 is to obtain a discharge of your existing debts. If, however, you are found to have committed certain kinds of improper conduct described in the Code, your discharge may be denied by the Court, and the purpose for which you filed the Bankruptcy petition will be defeated. Even if you receive a discharge, there are some debts that are not dischargeable under the law. Therefore, you may still be responsible for such debts including, but not limited to, certain taxes, student loans, alimony and child support, criminal restitution, and death or personal injury caused by driving while intoxicated from alcohol or drugs.

Under certain circumstances you may keep property that you have purchased subject to valid security interest. This will be explained by your attorney.

Chapter 11 (Reorganization)

Chapter 11 is designed primarily for the reorganization of a business but is also available to consumer debtors. Its provisions are complex and any decision to file a Chapter 11 Petition should be made in consultation with an attorney.

Chapter 12 (Family Farmer)

Chapter 12 is designed to permit family farmers to repay their debtors over a period of time from future earnings and is in many ways similar to Chapter 13. The eligibility requirements are restrictive, limiting its use to those whose income arises primarily from a family owned farm.

Chapter 13: (Repayments of all or part of the debtors of an individual).

Chapter 13 is designed for individuals with regular income who are temporarily unable to pay their creditors but are able to pay them in installments over a period of time. You are only eligible for Chapter 13 if your debts do not exceed certain dollar amounts set forth in Code.

Under Chapter 13, you must file a plan with the Court to repay your creditors all or part of the money that you owe them, using future earnings. Usually, the period allowed by the Court to repay debts is three years, but not more than five years. Your plan must be approved by the court before it can take effect. Under Chapter 13, unlike a Chapter 7, you may keep your property, both exempt and nonexempt, as long as you continue to make payments according to the plan.

After completion of payments under your plan, most of your debts are discharged, with the exception of certain taxes, student loans, alimony and support payments, certain debts including criminal fines and restitution and debts for death or personal injury caused by driving while intoxicated from alcohol or drugs, and long term secured obligations.

OTHER IMPORTANT NOTICES

The information you provide to this law firm and your bankruptcy attorney is critical and must be completely accurate. Giving false information to your attorney may lead to the denial of your discharge, dismissal of your case, fines, and imprisonment.

A person who knowingly and fraudulently conceals assets or makes a false oath or statement under penalty of perjury in connection with a case under this title shall be subject to fine, imprisonment, or both. In addition, all information supplied by a debtor in connection with a case filed under the bankruptcy code is subject to examination by the Attorney General.

Also available to you is credit counseling, which may be done by this law firm or another entity. Generally, credit counseling involves a collection of your debts with proposed work out plans with your creditors. These plans may allow you to repay your debts in a structured plan over time. These plans are optional for the creditors and may be viewed negatively on your credit report.

You must provide proof of a completed credit counseling course prior to filing for bankruptcy.

In addition, all information that you provide with a petition and thereafter during a case under the Bankruptcy Code must be complete, accurate, and truthful.

All assets and all liabilities are required to be completely and accurately disclosed in the documents filed to commence a case, and the replacement value of each asset as defined in Section 506 of the Bankruptcy Code must be stated in any documents requested after an inquiry to establish such value.

Also, current monthly income, the amounts specified in Section 707(b)(2), and, in a case under Chapter 13 of the Code, disposable income must be stated as defined in 707(b)(2) after a reasonable inquiry has been made.

The information you provide our office and used in your case may be audited pursuant to this title, and that failure to provide such information may result in dismissal of the case under other sanctions, including a criminal sanction.

While providing our office the information on your case, you must value your assets at replacement value. Replacement value is defined as what an item would cost if it were lost or destroyed and one of equivalent value must take its place. A common source for replacing items on a national level is through EBAY, which is an internet auction website. Nearly every item imaginable is available to be purchased, including; cars, clothes, furniture, appliances, painting, electronics and other common household items. However, replacement value on a car may involve other factors, such as dealer costs, which would increase the potential value. Noteworthy, with respect to property acquired for personal, family, or household purposes, replacement value shall mean the price a retail merchant would charge for property of that kind considering the age and condition of the property at the time value is determined. The time for valuation is the date of the filing of the petition, without deduction for cost of sale or marketing.

You will also have to provide our office with your current monthly disposable income. Your income, with certain exemptions, generally is derived from all sources for the past six months. You must also provide our office with your current monthly expenses. We will assist you in comparing your expenses to those with similar living standards.

You must also provide us with a complete list of your creditors. All creditors must be listed, and failure to list could result in the denial of your discharge or dismissal. You must provide us with full addresses, phone numbers, account numbers, amount owed and the date the

account was open. The amount owed is generally the payoff, or an estimate of any potential deficiency. Failure to provide this information could result in the creditor's claim surviving the Bankruptcy. Also, if you pay child support you must provide us with the guardian parent's names, address, phone number and county where you pay support.

Certain property that you own will be considered exempt under current state and federal law. We will assist you in claiming an exemption through your case so this property is not taken by the trustee in a Chapter 7 case, or nonexempt equity does not have to be covered through your repayment plan in a Chapter 13. Failure to disclose or take an exemption in property could result in the loss of that property or an increase in your chapter 13 plan payment.

IMPORTANT INFORMATION ABOUT BANKRUPTCY ASSISTANCE SERVICES FROM A ATTORNEY OR BANKRUPTCY PETITION PREPARER.

If you decide to seek bankruptcy relief, you can represent yourself, can hire an attorney to represent you, or you can get help in some localities from a Bankruptcy petition preparer who is not an attorney. **THE LAW REQUIRES AN ATTORNEY OR BANKRUPTCY PETITION PREPARER TO GIVE YOU A WRITTEN CONTRACT SPECIFYING WHAT THE ATTORNEY OR BANKRUPTCY PETITION PREPARER WILL DO FOR YOU AND HOW MUCH IT WILL COST.** Ask to see the contract before you hire anyone.

The following information helps you understand what must be done in a routine Bankruptcy case to help you evaluate how much service you need. Although Bankruptcy can be complex, many cases are routine.

Before filing a Bankruptcy case, you or your attorney should analyze your eligibility for different forms of debt relief available under the Bankruptcy Code and which form of relief is most likely to be beneficial for you. Be sure you understand the relief you can obtain and its limitations. To file a Bankruptcy case, documents called a Petition, Schedules and Statement of Financial Affairs, as well as in some cases a Statement of Intention need to be prepared correctly and filed with the bankruptcy court. You will have to pay a filing fee to the Bankruptcy court. Once your case starts, you will have to attend the required first meeting of creditors where you may be questioned by a court official called a "trustee" and by creditors.

If you choose to file a chapter 7 case, you may be asked by a creditor to reaffirm a debt. You may want help in deciding whether to do so. A creditor is not permitted to coerce you into reaffirming your debts.

If you choose to file a chapter 13 case in which you repay your creditors what you can afford over 3 to 5 years, you may also want help with preparing your chapter 13 plan and with the confirmation hearing on your plan which will before a Bankruptcy judge.

If you select another type of relief under the Bankruptcy Code other than chapter 7 or chapter 13, you will want to find out what should be done from someone familiar with that type of relief.

Your Bankruptcy case may also involve litigation. You are generally permitted to represent yourself in litigation in Bankruptcy court, but only attorneys, not Bankruptcy petition preparers, can give you legal advice.

Moss & Associates

ATTORNEYS, P.A.

Offices:

Columbia: 803-933-0202

Greenville: 864-272-3413

Charleston: 843-744-3002

Charleston: 843 / 445-5002

www.lawofficesmissouri.com

“SOUTH CAROLINA’S LARGEST BANKRUPTCY FILER”

Payment Log

Total Due Prior to Filing: \$

DISCLOSURE OF ADDITIONAL ATTORNEY'S FEES

TYPE: Chapter 13 Bankruptcy for the United States Bankruptcy Court, the District of South Carolina.

Priority Claims for Supplemental Attorney's Fees

TYPE 1:	Defending §362 Motion by creditor	Amount: \$885
TYPE 2:	Defending Motion to Dismiss by creditor after confirmation	Amount: \$600
TYPE 3:	Resolve Petition to Dismiss by Trustee	Amount: \$350
TYPE 4:	Combined §362 Motion by creditor and attending court	Amount: \$900
TYPE 5:	Motion to reinstate Automatic Stay or resumption of payment	Amount: \$900
TYPE 6:	Motion to modify post-confirmation plan	Amount: \$885
TYPE 7:	Motion for Substitution of Collateral	Amount: \$1285
TYPE 8:	Motion to modify post-confirmation plan due to change in circumstances requiring new Schedule I and Schedule J	Amount: \$985
TYPE 9:	Motion to incur debt	Amount: \$985
TYPE 10:	Motion to sell property	Amount: \$1,200
TYPE 11:	Prevention of §362 Motion for failing to maintain auto/home insurance and/or (out of court work-out) of payment	Amount: \$350
TYPE 12:	Defending §362 Motion by creditor after a previous claim for prevention has been filed	Amount: \$885
TYPE 13:	Motion Establishing Priority of Tax Claim requiring post-confirmation plan modification	Amount: \$985
TYPE 14:	Objection to Creditor's Proof of Claim requiring post-confirmation plan modification or Plan STIP	Amount: \$785
TYPE 15:	Motion for Moratorium	Amount: \$885
TYPE 16:	Motion to Substitute Attorney	Amount: \$700
TYPE 17:	Taking over case	Amount: \$785
TYPE 18:	Address change in estate	Amount: \$385
TYPE 19:	Post-Petition consultation relating to Tax Return	Amount: \$285
TYPE 20:	Attorney Review/Release of Mortgage communication waiver	Amount: \$385
TYPE 21:	Application to Employ	Amount: \$785
TYPE 22:	Application for Settlement	Amount: \$1250
TYPE 23:	Creditor Violation Letter	Amount: \$385
TYPE 24:	Consent Order Approving Loan Modification	Amount: \$885
TYPE 25:	Consent Order Lifting the Stay (to proceed in family court)	Amount: \$885
TYPE 26:	Negotiation with Mortgage Creditor for Loan Modification <i>Payable in (3) monthly installments beginning 30 days after Case filing (Portal and Non-Portal)</i>	Amount: \$1,700
TYPE 27:	Motion to Approve Final Loan Modification Agreement	Amount: \$1,500
TYPE 28:	Motion to Incur in efforts to Modify Mortgage Loan	Amount: \$800
TYPE 29:	Mortgage Loan Modification Report	Amount: \$800
TYPE 30:	Post Modification Forbearance Agreement/Workout	Amount: \$1085
TYPE 31:	Letter to Appeal Denial of Loan Modification	Amount: \$985

TYPE 32:	Motion to Reinstate after Dismissal	Amount: \$1,285
TYPE 33:	Application for settlement to use insurance proceeds	Amount: \$1,285
TYPE 34:	Defense of Modification, Adequate Protection Request	Amount: \$800
TYPE 35:	Motion to Use Cash Collateral	Amount: \$885
TYPE 36:	Post Modification Forbearance Agreement/Workout	Amount: \$1,085
TYPE 37:	File Secured Creditor Claim	Amount: \$485
TYPE 38:	Direction of Pay/ Total Loss:	Amount: \$350
TYPE 39:	Consent Order to Distribute Insurance Proceeds	Amount: \$500
TYPE 40:	Objection to Proof of Claims	Amount: \$500
TYPE 41:	Objection to Proof of Claim with Court Hearing required	Amount: \$885
TYPE 42:	Motion to Dismiss as to Deceased Debtor	Amount: \$200
TYPE 43:	Letter of Authorization	Amount: \$350
TYPE 44:	Student Loanify	Amount: \$1,599

These fees are in addition to expedited attorney fees as referenced in the signed attorney client agreement. The fees referenced herein may increase and/or decrease at the discretion of the attorney. The fees will be paid through the Chapter 13 Plan at zero (0%) percent interest. If you have an issue that requires legal work greater than the above-referenced amounts, a request for approval of additional fees will be submitted to the Bankruptcy Trustee and Bankruptcy Court. If any additional work is needed, the Attorney rate is \$500/ per hour. If paid through a Contingency Agreement, Attorney will be paid at 40%. Any service for a creditor is an additional \$2.00 or more per creditor.

General 16 min w/ Case Number 4-1-2022
Client Case Number Date

Client Case Number Date
\\server\\drive\\forms - firm\\attorney fees - supplemental fee disclosure\\supplemental fee form for clients to sign 09-03-2017.docx

LOCAL OFFICIAL FORM 1007-1(b) TO SC LBR 1007-1

**United States Bankruptcy Court
District of South Carolina**

In re **Gerald Kenneth Mixon, Jr.**

Debtor(s)

Case No.

Chapter

13

CERTIFICATION VERIFYING CREDITOR MATRIX

The above named debtor, or attorney for the debtor if applicable, hereby certifies pursuant to South Carolina Local Bankruptcy Rule 1007-1 that the master mailing list of creditors submitted either on computer diskette, electronically filed via CM/ECF, or conventionally filed in a typed hard copy scannable format which has been compared to, and contains identical information to, the debtor's schedules, statements and lists which are being filed at this time or as they currently exist in draft form.

Master mailing list of creditors submitted via:

- (a) computer diskette
- (b) scannable hard copy
(number of sheets submitted)
- (c) electronic version filed via CM/ECF

Date: April 13, 2022

/s/ Gerald Kenneth Mixon, Jr.

Gerald Kenneth Mixon, Jr.

Signature of Debtor

Date: April 13, 2022

/s/ JASON T. MOSS

Signature of Attorney

JASON T. MOSS 7240

MOSS & ASSOCIATES, ATTORNEYS P.A.

816 ELMWOOD AVENUE

COLUMBIA, SC 29201

(803)-933-0202 Fax: (803)-933-9941

Typed/Printed Name/Address/Telephone

7240 SC

District Court I.D. Number

ANGELA MIXON
176 OLE STILL LANE
ELGIN SC 29045

CORA PHYSICAL THERAPY
21 GATEWAY CORNERS PARK, SUITE 102
COLUMBIA SC 29203

COVINGTON CREDIT
534 E DEKALB STREET
CAMDEN SC 29020

IRS
PO BOX 7346
PHILADELPHIA PA 19101-7346

KERSHAW COUNTY TREASURER
PO BOX 622
CAMDEN SC 29020

LENDMARK FINANCIAL
600 PAMPLICO HWY
FLORENCE SC 29505

MARINER FINANCE
610 HIGHWAY 1 SOUTH, SUITE G
LUGOFF SC 29078-9414

MARINER FINANCE
5802 E VIRGINIA BEACH BLVD, STE 121
NORFOLK VA 23502

ONE MAIN FINANCIAL
PO BOX 740594
CINCINNATI OH 45274

PAY TOMORROW
9920 KINCEY AVENUE
HUNTERSVILLE NC 28078

REGIONAL FINANCE
100 FORUM DRIVE, SUITE 4
COLUMBIA SC 29229

REPUBLIC FINANCE
4760 HARDSCRABBLE ROAD
COLUMBIA SC 29229

SC DEPT OF REVENUE
PO BOX 12265
COLUMBIA SC 29211

SECURITY FINANCE
415 RUTLEDGE STREET
CAMDEN SC 29020

STERN RECOVERY
PO BOX 14899
GREENSBORO NC 27415

TEK COLLECT
PO BOX 1269
COLUMBUS OH 43216

WELLS FARGO HOME MORTGAGE
PO BOX 10335
DES MOINES IA 50306

WORLD FINANCE
1009 MARKET STREET
CAMDEN SC 29020